Supreme Court, U.S.
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No. 05-___ 05-316

IN THE
Supreme Court of the United States

DAVID DORAN,
Petitioner,

v.

DENNIS ECKOLD, in his official capacity as President of the Board of Police Commissioners of Kansas City, Missouri, et al.,
Respondents.

On Petition for Writ of Certiorari
to the United States Court of Appeals for the Eighth Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

This case raises two Fourth Amendment issues:

1. Whether, in states that allow magistrates to issue "no-knock" search warrants, police officers who have not obtained a no-knock warrant may independently decide, based entirely on circumstances known when a warrant application was presented to a magistrate, to execute a regular warrant without knocking and announcing their presence.

2. Whether police officers' suspicions that a house contains illegal drug activity and individuals who own weapons create "exigent circumstances" permitting the officers to execute a search warrant without knocking and announcing their presence.

PARTIES TO THE PROCEEDINGS

Petitioner David Doran is the only plaintiff in this case.

The defendants in the district court were: Dennis Eckold, in his official capacity as President of the Board of Police Commissioners of Kansas City; Joseph J. Mulvihill, in his official capacity as Vice President of the Board of Police Commissioners of Kansas City; Dr. Stacey Daniels-Young, in her official capacity as a member of the Board of Police Commissioners of Kansas City; Karl Zobrist, in his official capacity as a member of the Board of Police Commissioners of Kansas City; Mayor Kay Barnes, in her official capacity as a member of the Board of Police Commissioners of Kansas City; Officer Mark Sumpter, in his official capacity as a police officer of the Kansas City Police Department, and in his individual capacity; Officer Ty Grant, in his official capacity as a police officer of the Kansas City Police Department, and in his individual capacity; Sergeant Eric Greenwell, in his official capacity as a police officer of the Kansas City Police Department, and in his individual capacity; and Detective Wesley Williamson, in his official capacity as a police officer of the Kansas City Police Department, and in his individual capacity.

The district court entered summary judgment in favor of Williamson and the post-trial judgment in favor of Sumpter, and Petitioner did not appeal those determinations. The other defendants are the Respondents here.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner David Doran respectfully petitions for a writ of certiorari to the United States Court of Appeals for the Eighth Circuit in *Doran v. Eckold*, No. 03-1810-WM.

OPINIONS BELOW

The en banc opinion of the Eighth Circuit is reported at 409 F.3d 958 (8th Cir. 2005), and is reproduced at App. 1a-29a. The original panel opinion of the Eighth Circuit is reported at 362 F.3d 1047 (8th Cir. 2004), and is reproduced in the App. at 30a-48a. The district court's relevant order is unpublished and is reproduced at App. 49a-66a.

JURISDICTION

The Eighth Circuit issued its en banc opinion on June 6, 2005. This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1).

RELEVANT CONSTITUTIONAL PROVISION

The Fourth Amendment of the United States Constitution provides: "The right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath and or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

STATEMENT OF THE CASE

This case presents two pressing issues concerning the Fourth Amendment's knock-and-announce doctrine that have divided federal courts of appeal and state courts of last resort.

1. On July 20, 1998, the Kansas City, Missouri, Police Department received an anonymous tip. Apart from listing